

UNITED STATES DISTRICT COURT
 for the
 Northern District of Alabama

FILED BY MM D.C.
Dec 2, 2022
 ANGELA E. NOBLE
 CLERK U.S. DIST. CT.
 S. D. OF FLA. - Miami

United States of America)	
v.)	
)	Case No. <u>5:22-mj-1148-HNJ</u>
)	
<u>William Michael Spearman</u>)	Charging District
<i>Defendant</i>)	Case No. <u>22-mj-8510-WM</u>

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Southern District of Florida,
(if applicable) _____ division. The defendant may need an interpreter for this language:
 _____.

The defendant: will retain an attorney.
 is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

DONE this 15th day of November, 2022.



 HERMAN N. JOHNSON, JR.
 UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA }
 }
 }
v. } Case No. 5:22-mj-1148-HNJ
 } FLSD Case No. 22-mj-8510-WM
WILLIAM MICHAEL SPEARMAN }

ORDER OF TEMPORARY DETENTION
PENDING HEARING PURSUANT TO BAIL REFORM ACT

Upon the motion of the United States, it is ORDERED that a detention hearing is set for Thursday, November 10, 2022, at 10:30 a.m. before the undersigned at the United States Courthouse, 101 Holmes Avenue, N.E., Huntsville, Alabama. Pending this hearing, the defendant shall be held in custody by the United States Marshal and produced for the hearing.

DONE, this 3rd day of November, 2022.



HERMAN N. JOHNSON, JR.
UNITED STATES MAGISTRATE JUDGE

*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon the motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA }
 }
 }
v. } Case No. 5:22-mj-1148-HNJ
 }
WILLIAM MICHAEL SPEARMAN }

ORDER

Pursuant to notification from the Federal Public Defender's Office, accompanied by a financial affidavit executed by Defendant William Michael Spearman (Sealed Doc. 3), the Court hereby appoints the Federal Public Defender to represent defendant for the limited purpose of the proceedings in the Northern District of Alabama.

Upon defendant's transfer, the United States District Court for the Southern District of Florida will determine whether defendant qualifies for the appointment of counsel based upon further evaluation.

DONE, this 8th day of November, 2022.



HERMAN N. JOHNSON, JR.
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama**FILED****NOV 10 2022**

United States of America

)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

v.

)

Case No. 5:22-mj-1148-HNJ

)

William Michael Spearman

)

Charging District's Case No. 22-mj-8510-WM

Defendant

)

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**I understand that I have been charged in another district, the (*name of other court*) Southern District of Florida

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:



an identity hearing and production of the warrant.



a preliminary hearing.



a detention hearing.

an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
 preliminary hearing and/or detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 11/10/2022

Defendant's signature

Signature of defendant's attorney

Deanna L. Oswald

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

United States of America)
v.)
) Case No. 5:22-mj-1148-HNJ
William Michael Spearman) Charging District No. 22-mj-8510-WM
<i>Defendant</i>)

ORDER OF DETENTION PENDING TRIAL**Part I - Eligibility for Detention**

Upon the

- Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
 Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (*previous violator*):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
- (1) the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
- (a) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**
- (b) an offense for which the maximum sentence is life imprisonment or death; **or**
- (c) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**
- (d) any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; **or**
- (e) any felony that is not otherwise a crime of violence but involves:
- (i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921); (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; **and**
- (2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; **and**
- (3) the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; **and**
- (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (*narcotics, firearm, other offenses*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
- (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

C. Conclusions Regarding Applicability of Any Presumption Established Above

The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. *(Part III need not be completed.)*

OR

The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- Weight of evidence against the defendant is strong
- Subject to lengthy period of incarceration if convicted
- Prior criminal history
- Participation in criminal activity while on probation, parole, or supervision
- History of violence or use of weapons
- History of alcohol or substance abuse
- Lack of stable employment
- Lack of stable residence
- Lack of financially responsible sureties
- Lack of significant community or family ties to this district

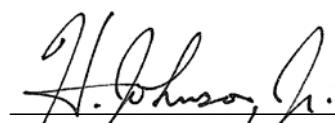
- Significant family or other ties outside the United States
- Lack of legal status in the United States
- Subject to removal or deportation after serving any period of incarceration
- Prior failure to appear in court as ordered
- Prior attempt(s) to evade law enforcement
- Use of alias(es) or false documents
- Background information unknown or unverified
- Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE, this 15th day of November, 2022.



HERMAN N. JOHNSON, JR.
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA

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}

} Case No. 5:22-mj-1148-HNJ

} Charging District No. 22-mj-8510-WM

WILLIAM MICHAEL SPEARMAN

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ORDER OF REMOVAL

On November 3, 2022, an initial appearance was held before the undersigned magistrate judge for Defendant William Michael Spearman. Defendant was arrested in the Northern District of Alabama on an arrest warrant pursuant to a Complaint filed in the United States District Court for the Southern District of Florida.

Pursuant to the provisions of Rule 32.1(a)(5)(B), Fed.R.Crim.P., the defendant was presented to the United States Magistrate Judge and advised of his constitutional rights pursuant to Rule 5, Fed.R.Crim.P. Deanna Oswald of the Federal Public Defender's Office was present to advise defendant if needed, though not appointed as counsel for defendant. (*See* Doc. 4). The defendant requested an identity, preliminary and detention hearing in the Northern District of Alabama.

Prior to the hearings, the defendant requested appointment of counsel. The court appointed the Federal Public Defender to represent the defendant for the proceedings in this district only, with the United States District Court for the Southern District of Florida reserving authority to determine whether the defendant is ultimately entitled to court-appointed counsel.

On November 10, 2022, the defendant appeared back before the court, but after conferring with counsel, advised the court of his desire to waive his identity and preliminary hearings, and proceed with the detention hearing, where he was subsequently detained. (*See* Doc. 6).

Therefore, it is ORDERED that the defendant be held to answer the charges pending in the United States District Court for the Southern District of Florida, and that he be REMOVED FORTHWITH to that district.

DONE and **ORDERED**, this 15th day of November, 2022.



HERMAN N. JOHNSON, JR.
UNITED STATES MAGISTRATE JUDGE

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U.S. District Court
Northern District of Alabama (Northeastern)
CRIMINAL DOCKET FOR CASE #: 5:22-mj-01148-HNJ-1

Case title: USA v. Spearman

Date Filed: 11/03/2022

Other court case number: 22-mj-8510-WM Southern District of Florida

Date Terminated: 11/15/2022

Assigned to: Magistrate Judge Herman N Johnson, Jr

Defendant (1)**William Michael Spearman**
TERMINATED: 11/15/2022represented by **Deanna L Oswald**
OFFICE OF THE FEDERAL PUBLIC DEFENDER
200 Clinton Avenue West Suite 503
Huntsville, AL 35801
205-208-7170
Fax: 256-519-5948
Email: Deanna_Oswald@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community Defender Appointment***Kevin L Butler**
FEDERAL PUBLIC DEFENDER
Northern District of Alabama
505 20th Street North, Suite 1425
Birmingham, AL 35203
205-208-7170
Email: ALNFD_Note@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community Defender Appointment***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:2252A.F

Disposition

Plaintiff

USA

represented by **Prim F. Escalona, US Attorney**
US ATTORNEY'S OFFICE
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Birmingham, AL 35203-2101
244-2001
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US Probation

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USM

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Date Filed	#	Select <u>all</u> / <u>clear</u>	Docket Text
11/03/2022			Arrest (Rule 40) of William Michael Spearman (SHB) (Entered: 11/03/2022)
11/03/2022	1	<input type="checkbox"/>	RULE 40 Warrant and Complaint by USA from Southern District of Florida as to William Michael Spearman (SHB) (Entered: 11/03/2022)
11/03/2022			Minute Entry for proceedings held before Magistrate Judge Herman N Johnson, Jr: Initial Appearance in Rule 5(c)(3) Proceedings as to William Michael Spearman held on 11/3/2022; charges and rights explained; dft advised that he would retain counsel; AUSA Pillsbury present for govt; USPO King present; govt apprised of discovery obligations - acknowledgment of same; govt requested detention; Detention, Identity and Preliminary Hearing set for 11/10/2022 at 10:30 AM in Federal Courthouse, Huntsville, AL before Magistrate Judge Herman N Johnson Jr.; dft remanded to custody of USM; hrg adj. (Tape #DCR) (SHB) (Entered: 11/03/2022)
11/03/2022	2	<input type="checkbox"/>	ORDER OF TEMPORARY DETENTION as to William Michael Spearman. Signed by Magistrate Judge Herman N Johnson, Jr on 11/3/2022. (SHB) (Entered: 11/03/2022)
11/08/2022	4	<input type="checkbox"/>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to William Michael Spearman for the limited purpose of the proceedings in the Northern District of Alabama. Upon defendant's transfer, the U.S. District Court for the Southern District of Florida will determine whether defendant qualifies for the appointment of counsel based upon further evaluation. Signed by Magistrate Judge Herman N Johnson, Jr on 11/8/2022. (SHB) (Entered: 11/08/2022)
11/10/2022			Minute Entry for proceedings held before Magistrate Judge Herman N Johnson, Jr: Identity, Preliminary and Detention Hearing held on 11/10/2022; Deanna Oswald present for dft; Leann White present for govt; USPO Ethan King present; dft wvd identity and preliminary hrgs; govt advises court that rebuttable presumption applies; examination of govt and defense witnesses; argument presented; court finds that govt has sustained its burden w/ regard to danger to community and risk of flight and orders dft detained pending disposition of case; dft reminded of Rule 20 provisions and that appointment of counsel in SDFL will be addressed upon dft's arrival in the district; dft remanded to custody of USM; hrg adj. (Court Reporter Christina Decker) (SHB) (Entered: 11/14/2022)
11/10/2022	5	<input type="checkbox"/>	WAIVER of Rule 5 Hearings (Identity and Preliminary) by William Michael Spearman. (SHB) (Entered: 11/14/2022)
11/15/2022	6	<input type="checkbox"/>	ORDER OF DETENTION as to William Michael Spearman. Signed by Magistrate Judge Herman N Johnson, Jr on 11/15/2022. (SHB) (Entered: 11/15/2022)

11/15/2022	7	<input type="checkbox"/>	COMMITMENT TO ANOTHER DISTRICT as to William Michael Spearman. Defendant committed to Southern District of Florida. Signed by Magistrate Judge Herman N Johnson, Jr on 11/15/2022. (SHB) (Entered: 11/15/2022)
11/15/2022	8	<input type="checkbox"/>	ORDER OF Rule 40 Transfer to Another District - Southern District of Florida as to William Michael Spearman. Signed by Magistrate Judge Herman N Johnson, Jr on 11/15/2022. (SHB) (Entered: 11/15/2022)

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